

10/20/2016 3:33 pm

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARK HOROWITZ and MONTAUK U.S.A.,
LLC,

Plaintiffs,

- against -

148 SOUTH EMERSON ASSOCIATES, LLC,

Defendant.

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An Order of Honorable Sandra J. Feuerstein, United States District Judge, having been filed on October 19, 2016, granting the branches of defendant's motions seeking dismissal of this action pursuant to the "first-filed" rule and for costs pursuant to Rule 41(d) of the Federal Rules of Civil Procedure; dismissing this action in its entirety without prejudice as duplicative of the Georgia Federal Action; ordering Montauk USA, LLC to pay the reasonable costs, including attorney's fees, 148 South Emerson Associates, LLC incurred in defending the Georgia State Action; denying plaintiffs' motion for preliminary injunction in its entirety, without prejudice to renewal in the Georgia Federal Action; and directing the Clerk of Court to close this case, it is

ORDERED AND ADJUDGED that plaintiffs Mark Horowitz and Montauk U.S.A., LLC take nothing of defendant 148 South Emerson Associates, LLC; that the branches of defendant's motions seeking dismissal of this action pursuant to the "first-filed" rule and for costs pursuant to Rule 41(d) of the Federal Rules of Civil Procedure are granted; that this action is dismissed in its entirety without prejudice as duplicative of the Georgia Federal Action; that Montauk USA, LLC pay the reasonable costs, including attorney's fees, 148 South Emerson Associates, LLC incurred in defending the Georgia State Action; that plaintiffs' motion for preliminary injunction is denied in its entirety, without prejudice to renewal in the Georgia Federal Action; and that this case is closed.

Dated: Central Islip, New York
October 20, 2016

DOUGLAS C. PALMER
CLERK OF THE COURT

By: /s/ James J. Toritto
Deputy Clerk

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE